

EXAMINER'S AMENDMENT/REASONS FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Todd Garcia on 9/30/2009.

The application has been amended as follows:

Please replace the previous set of claims with the set of claims attached hereto as Examiner's Amendment Exhibit A.

The following is an examiner's statement of reasons for allowance: In consideration of the Examiner's Amendment and in reconsideration of the prior office actions and responses thereto, the claimed invention is not disclosed or suggested by the prior art in that the prior art does not disclose or make obvious the methods of treating the various conditions and diseases with a therapeutically effective amount of an inhaled gaseous composition comprising carbon monoxide at a concentration of about 10 ppm to about 3000 ppm, The Examiner's Amendment was made to avoid the claimed invention reading on background levels of carbon monoxide in the atmosphere and to be more fully supported by the disclosure with respect to effective amounts of carbon monoxide. See Specification page 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (571)272-0610. Examiner maintains a compressed schedule and may be reached Monday, Tuesday, Wednesday and Thursday, 6:00 am – 4:30 pm (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Johann R. Richter, can be reached at (571)272-0646. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank Choi
Patent Examiner
Technology Center 1600
October 19, 2009

/Johann R. Richter/
Supervisory Patent Examiner, Art Unit 1616